

#3/20/02

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee:

RODNEY M. SHIELDS

Examiner:

W. WATKINS III

Application/control: 09/267,026

(Reissue of USP 5,609,938)

Art Unit:

1772

Filed: 11 March 1999

Far:

IMAGE DISPLAY APPARATUS

WITH HOLES FOR OPPOSITE

SIDE VIEWING

## CERTIFICATE OF MALING

Thereby carrily that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington De 2021 for 23 January 2002

ov: Lodd Fronk

Assistant Commissioner for Patents Washington, D.C. 20231

## DECLARATION OF GREG ROSS

I Greg Ross state as follows:

- 1. I am President of Creative Minds Foundation, assignee of record herein.
- 2. I have read the within Amendment, the Affidavit of Linda icerd, and I am familiar with the history of prosecution that culminated in USP 5,609,938, the subject of the within reissue application.
- 3. I ratify the statements and arguments set forth in the accompanying Amendment.

A-39023/MAK [1072081] s/n 09/267,025 (reiseue of USP 5,609,938)

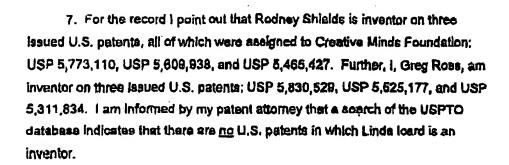


- 4. Off and on during the past several years, there have been times when business relations between inventor Rodney Shields and myself appear to have soured. It is my opinion that if Rodney Shields received the various materials mailed to him by the law firm of Fighr Hohbach Teet, referred to at ¶4(c) and ¶4(d) of the Amendment any refusal on his part to execute and return the documents is based upon ill feeling towards me. I make this statement based upon past business dealings with Mr. Shields. I note for the record that I do not know the present address or telephone number for Mr. Shields.
- 5. The first time I or Rodney Shields or, to the best of my knowledge, Mr. Luckman met with Linda icard concerning the Shields invention was well after the application, serial no. 82,728, was filed with the USPTO on 23 June 1993. EXHIBITS 2 and 3, submitted herewith, were executed by or on behalf of Me. Icard, and license fees were received from Ms. Icard or her company pursuant to EXHIBIT 3.
- 6. I find somewhat amusing Ms. Icard's statement at page 6, ¶6 of her Affidavit that "Messrs. Shields, Ross and Luckman were visibly disturbed" by "problems" supposedly recognized by Ms. Icard. As noted in the attached Amendment, these "problems" were in fact addressed in the Shields patent application filed on 23 June 1993, well before any meeting with Ms. Icard.
- (a) For example, notwithstanding that the Shields's patent application indeed refere to "black" as a desired dark color, Ms. leard apparently regards herself as the inventor of that concept. Although the Shields's patent application appears to be sufficient rebuttal to this notion, I note that my business records includes a 25 February 1993 FAX from imagoimage Inc. to Arcor (a perforating company in Chicago) instructing Arcor how to perforate material, in which the FAX states in relevant part: "material is a black-backed, white fronted vinyl with

A-69023/MAK [1072081] a/n 09/267,025 (reissue of USP 5,609,938)

adhesive and paper liner". If the Examiner so desires, a copy of this FAX can be provided.

- (b) in her Affidavit at page 3, ¶2, Ms. Icard refers to a Imagolmage, Inc,'s use of screenprinting with the Shields invention. If the Examiner so requests, the undersigned can provide photographs of such already-completed acreenprinting in which a logo ("Budweiser") was printed on a white side, where the panel had a black (not gray) layer, with through perforations, and was adhesively attached to the interior surface of a simulated window. The date on these samples is "6-14-93", which date appears to have been written in the handwriting of inventor Rodney Shields. Again, citation of such samples seems redundant to the language in Shields application serial no. 82,728, filed with the USPTO on 23 June 1993. In short, Ms. Icard's Affidavit statements to the effect that Messra. Ross, Shields, Luckman were somehow dumbfounded or "disturbed" by any revelations from Ms. Icard that black might be a better color than gray, or that internal mounting of a perforated panel might be preferably to an external mounting are simply untrue.
- (c) At various locations in her Affidavit, Ms. leard makes reference to the "Old Joe" product. I am familiar with the "Old Joe" product and I state that the "Old Joe" product did not go beyond what was disclosed in the Shields patent application serial no. 82,728, filed with the USPTO on 23 June 1993.
- (d) I further point out that in the Shields application serial no. 82,728, "protective cover" 12 may include a clear transparent, non-perforated material; see Fig. 1. Fig. 1 demonstrates that such a protective cover or layer 12 permits viewing of the image on panel 14. Thus Ms. Icard's Affidavit statements that the Shields's invention did not disclose use of non-perforated material, or did not disclose formation of an image after which perforation was carried out is simply untenable.



8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to. be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DATES January 2002

**Øfeg Ross** President, Creative Minds Foundation